

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services proposes to amend Chapter 109, "Child Care Centers," and Chapter 110, "Child Development Homes," Iowa Administrative Code.

The proposed amendments implement changes in the licensing standards for child care centers and the registration standards for child development homes as required by the Smoke-Free Air Act enacted by the 82nd General Assembly. Previously, smoking was prohibited during the hours of child care operation. Under this legislation, child care centers and homes are defined as a "public place," and smoking is completely prohibited. The law also requires posting of "no smoking" signs on the premises.

The Iowa Department of Public Health has an Internet Web site (www.iowasmokefreeair.gov) devoted to helping affected businesses understand the law through links to resources and examples of signage. The Department of Public Health is also drafting administrative rules to implement this legislation and will be holding public hearings through the Iowa Communications Network.

The expected benefits from these amendments are fewer smoke-related health issues for children, child-care providers, and other family members in child development homes.

These amendments do not provide for waivers in specified situations because the Department does not have the authority to waive statutory provisions.

Any interested person may make written comments on the proposed amendments on or before August 6, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code chapter 237A as amended by 2008 Iowa Acts, House File 2212, sections 12 and 13.

The following amendments are proposed.

ITEM 1. Amend subrule 109.10(11) as follows:

109.10(11) Smoking. Smoking and the use of tobacco products shall be prohibited in the center, outdoor play area and in the center-operated vehicle ~~during hours of operation of the center.~~ Nonsmoking signs shall be posted at every entrance of the child care center and in every vehicle used to transport the children. All signs shall include:

- a. The telephone number for reporting complaints, and
- b. The Internet address of the department of public health (www.iowasmokefreeair.gov).

ITEM 2. Amend paragraph **110.5(1)"o"** as follows:

o. Smoking and the use of tobacco products shall be prohibited in areas that may be used by children receiving care in the home, in the outdoor play area, and in any vehicle in which children receiving care in the home are transported ~~during the home's hours of operation.~~ Nonsmoking signs shall be posted at every entrance of the child care home and in every vehicle used to transport the children. All signs shall include:

- (1) The telephone number for reporting complaints, and
- (2) The Internet address of the department of public health (www.iowasmokefreeair.gov).